

P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, February 17, 2004

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Gibson, Parsons, Frautschi, Dickenson, Long, Horton, Wozniak

Absent, Commissioners: None

Present, Staff: Community Development Director Craig Ewing (CDD), Principal Planner Carlos de Melo (PP), Associate Planner Dia Swan (AP), Zoning Technician Brian Froelich (ZT), Deputy City Attorney Marc Zafferano (DCA), Recording Secretary Colleen Flores (RS)

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

4A. 12/2/03 Planning Commission Minutes

Chair Gibson asked for staff comments on the new, "streamlined" Minutes. CDD Ewing explained that staff intends to create a briefer minutes format from this point forward primarily due to a budget issue to reduce the amount of staff time needed to prepare the Minutes. The format is recommended by the City Clerk, where only the basic issues and action taken at various hearings are captured, which is the primary and only legally required role that Minutes play. He added that the City tape-record the meetings and those tapes are maintained for 5 years before they are destroyed. Whenever there is an appeal to the City Council or a court case that follows, a verbatim transcript of those recorded minutes will be prepared. RS Flores noted that if a Commissioner states that he or she is making a comment "for the record" it will appear in the minutes.

Replying to C Frautschi's concern that Council has commented that, with the briefer Minutes, it is difficult to reconstruct what transpired after the tapes are destroyed, CDD Ewing stated that they need to make sure that all issues are covered in the Conditions of Approval and/or the Resolution for each project. C Long felt it would make sense for the City to step into new technology and record the meetings digitally so that there's not a physical tape that has to be kept but rather these can be kept on a central server. CDD Ewing agreed but added that where that will fit into the technology plan given the current budget situation remains to be seen.

MOTION: By Commissioner Frautschi, second by Commissioner Long, to accept the minutes of December 2, 2003.

Ayes: Frautschi, Dickenson, Long, Parsons, Gibson

Noes: None

Abstain: Horton, Wozniak

Motion passed 5/0/2

5A. PUBLIC HEARING – 695 Middle Road/740 El Camino Real

To consider a Design Review and Conditional Use Permit to add 629 square feet to the second floor of an existing mixed-use (Commercial/Residential) building for a total of 3,657 square feet that is below the zoning district permitted 9,713 square feet for this site. (Appl. No. 03-0019)

APN: 044-222-150; Zoned: C-3 (Highway Commercial)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(2)(a & b)

Applicant: Tony Leow

Owner: Suyokto Subroto

ZT Froelich summarized the staff report, recommending approval with the attached conditions, and answering questions from the Commission.

Tony Leow, applicant, was available to answer questions.

Discussion ensued regarding gates and location and definition of a front yard. It was determined that the property has two front yards, and one of the design criteria presented to the applicant was the treatment of the front and rear of the buildings with the same importance.

Chair Gibson opened the public hearing. No one came forward to speak.

MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, to close the Public Hearing. Motion Passed.

C Long raised the issue that the property is part of the Historic Architectural Theme Zone, and the Commission is charged with making sure that the building, as changed, reflects the detailing, craftsmanship, proportions and the materials of pre-1930 American architecture. He is not sure that that is realistic and that a common sense approach may dictate that they balance this against the reality of the site.

After discussion, it was agreed that the following conditions should be added to resolution, and that the records should show that the second living area with bath and fireplace is not a bedroom.

- Repaving and restriping of the upper parking lot
- A final landscape plan that will reflect additional parking lot screening from the Middle Road entrance, no gate on the Middle Road entrance, irrigation systems and a trash enclosure
- Repainting of the entire building
- Replacing all windows visible from the streets
- Comprehensive parking and directional signage plan to include signs on El Camino Real and Middle Road regarding parking in the rear and public parking for Copy Man on the Middle Road side, and removal of "No Parking" signs
- The El Camino gate shall be kept open between 8:00 a.m. and 6:00 p.m.

MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, directing staff to return with a new Resolution approving a Design Review and Conditional Use Permit at 695 Middle Road/740 El Camino Real, with the Conditions of Approval as attached in Exhibit A and incorporating the above additional conditions.

Ayes: Parsons, Dickenson, Frautschi, Wozniak, Horton, Long, Gibson

Noes: None

Motion Passed 7/0

5B. PUBLIC HEARING – 905 South Road

To consider a Variance, Floor Area Exception, Single Family Design Review, and Tree Removal Permit to construct a new 3,660 square foot two story residence in a zoning district that permits 3,144 square feet for this site.

(Appl. No. 02-0061)

APN: 045-152-550; Zoned: R1-B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(2)(a & b)

Applicant/ Owner: Simmie Graves

AP Swan summarized the staff report, concluding that she was able to recommend support for all aspects of the Design Review, the Variance for the driveway bridge, and the Tree Removal Permit, but had difficulty finding support for the Floor Area Ratio Exception. Therefore, based on the analysis and required findings, staff recommended denial of the project as proposed.

Simmie Graves, owner, answered questions from the Commission and stated that he felt that the current proposal addressed 99.5% of the Commission's comments from the previous review.

Chair Gibson opened the Public Hearing.

Steve Gonzales, 925 South Road, stated that the proposed structure will have a tremendous impact on the view from his property, and presented pictures to support his concern. He was also concerned about the safety of the driveway, the limited amount of off-street parking, the logistics of construction, and the disappearance of another greenbelt from the neighborhood.

Kim Gonzales, 925 South Road, was disappointed that the bridge driveway is still in the plans, that they will be looking at a black hole from their newly remodeled deck, and that the house is not built into the hillside in keeping with the style of the other homes that are on South Road. Referring to Page 10, item 2, she disagreed with staff's conclusion and she felt that the project *will* adversely affect the views and privacy of her property. She asked the Commission to seriously consider the construction staging since it is not possible to park on South Road, and does not believe four parking spaces will be adequate. Referring to renderings on Pages A7 and A8, she feels they conflict on whether or not there is cutting into the hillside and the need for a retaining wall. She concluded that she felt the project is extremely large and not in keeping with the area, and hoped the Commission would deny the project.

Mary Lou South, Paradigm Healthcare, 900 Sixth Avenue, concurred with the points made by the previous speakers, adding that she was greatly concerned that the staging and construction noise would interfere with her business and will be difficult for the residents of her facility. She was also concerned about the suitability of the lot for building a house at all and the massiveness of the proposed house on the relatively small lot, how it is going to appear from the patios of her residents, and about the erosion of the soil and the underground spring water.

Mr. Graves responded to the above comments by stating that followed up by answering the question on Sheet A7 is an elevation, which normally do not show ground lines on elevations and Sheet A8 is a cross section, which does have the ground line taken into consideration. They had a geotechnical report done, which recommended that piers to be drilled 10' into the ground or until they hit bedrock, so the erosion

situation would actually be helped or eliminated by development of the lot because they are going to take construction control measures. He added that a licensed Surveyor did a ground survey of the lot.

MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to close the Public Hearing. Motion Passed.

C Dickenson had an issue with the FAR exception.

C Frautschi stated that he could not support the project in its current form, but that it was considerably better than the previous submittal. He felt that the project as proposed would affect the view and privacy of the adjacent property, he could not support the FAR exception, the internal screening could not be assured in perpetuity, and the staging problem had not previously occurred to him.

C Parsons concurred, adding that he never intended that the project would get bigger and that he could not support the project, as there were too many findings that they could not make.

C Horton concurred on the FAR issue and felt that if it is compromising the privacy of neighbors there is no exception.

C Long appreciated the time and expense the applicant went took to make it more appealing but also had issues with the size and violation of the FAR and was plagued by privacy, view, parking and staging issues raised by the members of the audience. He added for the record that he is probably one of the closest neighbors on the uphill side who would like to see it developed in a way that the whole neighborhood would benefit, and confirmed that he is outside of the 300' limit so that he did not need to be recused.

Chair Gibson stated for the record that this is a legal building lot – Mr. Graves has a right to build a house here – and the only way to build a house on the lot is with a driveway bridge without involving massive retaining walls. He hoped that if they get past the FAR issue somehow the drainage issue could be conditioned.

Mr. Graves stated that he expanded under the garage as a means of balancing out the building, and it did help comply with the DTSP. It did not increase the actual overall footprint of the envelope, and there are two other houses that are larger on South Road. As far as privacy, the previous design had the void under the garage and would not have been a FAR exception. He stated that he had made improvements to comply with their requests, and that he will continue working on the project and will be back.

MOTION: By Vice Chair Parsons, second by Commissioner Long, denying the Floor Area Exception and continuing the project to date uncertain for redesign.

Ayes: Parsons, Long, Dickenson, Wozniak, Horton, Gibson

Noes: Frautschi

Motion Passed 6/1

CDD Ewing noted for the record that the Commission identified that, in addition to Finding 3, they could not make Finding 2 because of the testimony received regarding the privacy and view impacts on 925 South Road and the Paradigm Healthcare, and that will be incorporated into a revised Resolution of Denial for the Floor Area Exception. He emphasized that should a design come back that meets the floor area limit, the findings for privacy and private view impacts are no longer on the table; that only applies when a floor area exception is being requested.

Chair Gibson noted that the floor area exception may be appealed to City Council within 10 days.

Chair Gibson called a recess at 8:50 p.m. Meeting resumed at 9:00.

As a point of information, Vice Chair Parsons asked staff if the previous project comes back to the Commission after the new Design Review standards are approved, would the applicant be subject to the new or the old Design Review guidelines. CDD Ewing responded that the City Attorney has stated that the regulations in effect at the time the decision is made apply. Therefore, even if this project is continued, a new submittal would be subject to the new Single Family Design Review guidelines.

5C. PUBLIC HEARING – Amendment to Zoning Ordinance

To consider revisions to Section 2 (Definitions), Section 4 (Residential Districts), Section 8 (Off-Street Parking and Loading), Section 9 (General Regulations), and Section 24 (Secondary Dwelling Units) of the City of Belmont Zoning Code. The amendments will consider modifications to the aforementioned Zoning Ordinance sections and establishment of development standard thresholds to allow for administrative (non-discretionary) review and processing of new secondary unit applications consistent with California State Law AB1866, which went into effect on July 1, 2003. Planning Commission recommendations will be forwarded to the City Council for final action. Continued from February 3, 2004 Planning Commission Hearing. (Appl. No. 03-0050)

CEQA Status: Statutory Exemption per Section 15282

Applicant: City of Belmont

PP de Melo summarized the Staff Report, and was available to answer questions from the Commission.

Chair Gibson opened the Public Hearing. No one came forward to speak.

MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, to close the Public Hearing. Motion Passed.

Discussion ensued regarding parking standards for second units, required paving for front driveways, screening for front driveway paving and street parking.

MOTION: By Vice Chair Parsons, seconded by Commissioner Long, to adopt all 5 resolutions with the amendment that the sections that refer to parking revert to option 1.

Ayes: Parsons, Long, Dickenson, Frautschi, Gibson

Noes: Wozniak

Abstain: Horton

Motion Passed 5/1/1

C Parsons requested the issue of percentage of open space on front yards be placed on a future agenda.

6A. NEW BUSINESS

It was decided to have the next Planning Commission Meeting on Tuesday, March 2, 2004 at 8:00 pm, after the polls close.

7. REPORTS, STUDIES, UPDATES, AND COMMENTS

Code Enforcement issues were discussed regarding Middle Road along El Camino.

CDD Ewing will forward information to the Commission regarding the upcoming

It was requested that the Chair make an announcement at the beginning of the Planning Commission Meeting that cell phones be turned off as well making a notation on the speakers request form.

CDD Ewing stated he would check with Public Works regarding property on Sixth and Broadway as well as trees that encroach on to the street, creating a blind curve at the Eastern end of Folger Street.

8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF

TUESDAY, FEBRUARY 24, 2004.

Liaison: Commissioner Wozniak

Alternate Liaison: Commissioner Horton

9. ADJOURNMENT: 9:50 p.m.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.